



TOWN OF DISCOVERY BAY
A COMMUNITY SERVICES DISTRICT



President – Kevin Graves • Vice-President – Bill Mayer • Director – Robert Leete • Director – Bill Pease • Director – Chris Steele

TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
AGENDA PACKET

Regular Board Meeting
Wednesday, October 3, 2018

7:00 P.M. Regular Board Meeting

Community Center
1601 Discovery Bay Boulevard



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Gold-Level of Governance



President – Kevin Graves • Vice-President – Bill Mayer • Director – Robert Leete • Director – Bill Pease • Director – Chris Steele

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday October 3, 2018
REGULAR MEETING 7:00 P.M.**

**Community Center
1601 Discovery Bay Boulevard, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance.
3. Roll Call.

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak must come up and speak from the podium and will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the President.

C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve DRAFT minutes of regular meeting for September 19, 2018.
2. Approve Register of District Invoices.

D. AREA AGENCIES REPORTS / PRESENTATION

1. Supervisor Diane Burgis, District III Report.
2. Sheriff's Office Report.
3. CHP Report.

E. LIAISON REPORTS

F. PRESENTATIONS

1. Certificate Presentation - District of Distinction and District Transparency of Excellence.

G. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action Regarding Slogan "Live Where You Play in Discovery Bay".
2. Discussion and Possible Action Regarding the Cancellation of Regular Board Meeting on November 21, 2018.

H. MANAGER'S REPORT

I. DIRECTORS' REPORTS

1. Standing Committee Reports.
2. Other Reportable Items.

J. GENERAL MANAGER'S REPORT

K. CORRESPONDENCE RECEIVED

1. Received – Diablo Water District regarding the Support of Local Agencies and Water Systems in Contra Costa and San Joaquin Counties – September 20, 2018.
2. Received – Byron Municipal Advisory Council Meeting Minutes for August 28, 2018.
3. Received – Contra Costa Special Districts Association Quarterly Meeting Minutes for July 16, 2018.

L. FUTURE AGENDA ITEMS

M. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7)

N. CLOSED SESSION:

1. Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(b)
One Potential Case.

O. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION

(Government Code Section 54957.1)

P. ADJOURNMENT

1. Adjourn to the next regular meeting of October 17, 2018 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925) 634-1131, during regular business hours, at least forty-eight hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Gold-Level of Governance



President – Kevin Graves • Vice-President – Bill Mayer • Director – Robert Leete • Director – Bill Pease • Director – Chris Steele

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday September 19, 2018
REGULAR MEETING 7:00 P.M.**

**Community Center
1601 Discovery Bay Boulevard, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m. – By President Graves.
2. Pledge of Allegiance – Led by President Graves.
3. Roll Call – All present with the exception of Director Steele.
4. Director Steele arrived at 7:05 p.m.

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

None.

C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve DRAFT minutes of regular meeting for September 5, 2018.
2. Approve Register of District Invoices.
3. Approve Capacity Fee Charge Report for Fiscal Year 2017-2018.
4. Approve Annual Disclosure pursuant to California Government Code Section 53065.5.

Motion by: Director Leete to approve the Consent Calendar.

Second by: Director Pease.

Vote: Motion Carried – AYES: 4 – President Graves, Vice-President Mayer, Director Leete, Director Pease
NOES: 0, ABSENT – 1 – Director Steele

D. AREA AGENCIES REPORTS / PRESENTATION

1. East Contra Costa Fire Protection District Report.

Battalion Chief Ross Macumber – Provided the details regarding the East Contra Costa Fire Protection District report for the month of August; Red Flag warning beginning September 19, 2018. Ground breaking for Station 55 Fire Station, Thursday, September 20, 2018 in Oakley on Cypress Road, Town Hall meetings on October 18, 2018 and November 14, 2018 Strategic Planning beginning at 6:00 p.m., and an Open House on October 27, 2018 at Station 53 in Oakley from 10:00 a.m. to 1:00 p.m. There was discussion regarding the Strategic Planning meetings, the increase of vehicle accidents, the need for additional traffic enforcement, and staffing for the new Station 55.

E. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA

1. Veolia Report – Month of August 2018.

Project Manager Sadler – Provided the details of the August 2018 Monthly Operations Report. There was discussion regarding Lift Station F.

F. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action Regarding a Scope of Services by Harris & Associates for an Assessment District Review of Lighting and Landscape Zones in Discovery Bay.

General Manager Davies – Provided the details regarding the Scope of Services by Harris & Associates for an Assessment District review of the Lighting and Landscape Zones in Discovery Bay.

Harris & Associates - Dennis Klingelhofer – Provided additional details regarding the Assessment District Review related to the scope of work; examining the services being provided, where the revenue is coming from, limitations of the use of revenue (funding strategies and revenue sources). There was discussion related to a Prop 218, consolidating the zones, and the project start date and completion date.

Motion by: Director Steele to approve the “Scope of Services” from Harris & Associates to conduct an Assessment District Review in an amount not to exceed \$24,750.00 and authorize the General Manager to execute all documents associated therewith.

Second by: Director Leete

Vote: Motion Carried – AYES: 5, NOES: 0

2. Discussion and Possible Action to Implement an Employee Sick Leave Incentive Program.

General Manager Davies – Provided the details regarding an Employee Sick Leave Incentive Program. There was discussion regarding the Sick Leave Incentive Program discussed at the Internal Operations Committee meeting.

Motion by: Director Leete to approve an employee Sick Leave Incentive Program as described below:

SICK LEAVE USAGE NOV 1 THRU OCT 31	CASH CONVERSION
Less than 8 hours	16 hours
Less than 16 hours	12 hours
Less than 24 hours	08 hours
Less than 32 hours	04 hours

Second by: Director Pease

Vote: Motion Carried – AYES: 5, NOES: 0

G. DIRECTORS' REPORTS

1. Standing Committee Reports – Director Steele – Thanked the Town of Discovery Bay Community Center related to the Car Show (well attended and organized).
2. Other Reportable Items – None.

H. MANAGER'S REPORT

None.

I. GENERAL MANAGER'S REPORT

1. Update regarding the Electronic Sign Board related to the Land Use Permit costs and the Mitigated Negative Declaration. There was discussion regarding a start date.
2. Update on Groundwater Sustainability Agency Activities.

General Manager Davies – Provided the details regarding the Groundwater Sustainability Agency Activities related to the three topics; request to split the Tracy Sub-Basin along the Contra Costa – San Joaquin County line, provided DWR with notification of starting the process of preparing a GSP, East County GSA (East County Group) with the San Joaquin County Group have applied for a 1million dollar DWR Grant. There was discussion regarding the use of Groundwater for all of the agencies.

Legal Counsel provided additional details and in order to be part of a GSA the agency needs to be impacted by Groundwater discussions.

3. Update Regarding the Website – Agenda and Minutes Page. Administrative Assistant McCool – Provided details regarding the Agenda and Minutes Page related to creating a table for an organized appearance along with an ease to find documents for each meeting.

J. CORRESPONDENCE RECEIVED

1. Received – Contra Costa County Aviation Advisory Committee meeting minutes for July 12, 2018.
2. Received – Contra Costa County Aviation Advisory Committee meeting minutes for August 9, 2018.
3. Received – East Contra Costa Fire Protection District meeting minutes for August 6, 2018.
4. Received – East Contra Costa Fire Protection District meeting minutes for August 17, 2018.
5. Received – State Route 4 Bypass Authority meeting minutes for June 14, 2018.

K. FUTURE AGENDA ITEMS

None

L. ADJOURNMENT

1. The meeting adjourned at 7:27 p.m. to the regular meeting on October 3, 2018 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

October 3, 2018

Prepared By: Dina Breitstein, Finance Manager & Lesley Marable, Accountant
Submitted By: Michael R. Davies, General Manager 

Agenda Title

Approve Register of District Invoices.

Recommended Action

Staff recommends that the Board approve the listed invoices for payment.

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$ 316,103.86

Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)

Prog/Fund # See listing of invoices. **Category:** Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2018/2019.

AGENDA ITEM: C-2

For The Meeting On October 3, 2018
Town of Discovery Bay CSD
For Fiscal Year's 7/18 - 6/19

Pacific Gas & Electric	\$110,580.17
Adams Pool Solutions	\$65,000.00
Veolia Water North America	\$34,884.38
J.W. Backhoe & Construction, Inc.	\$32,664.49
Commercial Tree Care	\$17,910.00
Town of Discovery Bay, CSD	\$10,098.85
East Contra Costa Fire District	\$7,800.00
Stantec Consulting Services Inc	\$6,272.87
Badger Meter	\$5,461.93
Herwit Engineering	\$4,681.68
Freedom Mailing Service, Inc	\$2,715.93
Contra Costa County	\$2,266.74
Tee Janitorial & Maintenance	\$2,054.00
Mt. Diablo Resource Recovery	\$1,474.44
Univar	\$1,452.94
SDRMA	\$1,431.63
Du-All Safety	\$1,360.00
TASC	\$1,091.64
Aflac	\$705.02
National Meter & Automation, Inc.	\$692.45
Kevin Graves	\$690.00
Matrix Trust	\$685.24
Robert Leete	\$575.00
Watersavers Irrigation Inc.	\$491.63
Discovery Bay Designs	\$414.82
Office Depot	\$403.29
Bill Pease	\$345.00
William Mayer	\$345.00
Neopost	\$300.00
ReliaStar Life Insurance Company	\$275.00
Cintas	\$238.63
Chris Steele	\$230.00
Comcast	\$172.75
Discovery Pest Control	\$138.00
Water Utility Customer	\$100.63
Shred-It USA-Concord	\$60.72
Lincoln Aquatics	\$38.99
	<hr style="width: 20%; margin-left: auto; margin-right: 0;"/> \$316,103.86



Town of Discovery Bay

“A Community Services District”

STAFF REPORT

Meeting Date

October 3, 2018

Prepared By: Michael R. Davies, General Manager
Submitted By: Michael R. Davies, General Manager

MRD

Agenda Title

Discussion and Possible Action Regarding Slogan “Live Where You Play in Discovery Bay”.

Recommended Action

Authorize the General Manager to work with legal to pursue Town trademark rights to the slogan “Live Where You Play in Discovery Bay.”

Staff’s earliest known use of the tagline, “Live Where You Play at Discovery Bay” was in the early 1970s by Veronica Development Corporation in a brochure used during the release of Willow Lake/Cabrillo Bay homes. Since that time, there have been various iterations and variations of the slogan. Staff research cannot find where trademark ownership of any variation of the slogan has ever been tied to a specific entity. Over the years, the tagline of “Live Where You Play in Discovery Bay” has become enduringly linked with the Town of Discovery Bay CSD. To staff’s research and knowledge, our CSD has never officially acquired the trademark or other legal right to the slogan. Staff presented this issue to the Internal Operations Committee at their special meeting on August 23, 2018.

The Internal Operations Committee recommended that legal investigate the process for acquiring trademark rights to the slogan “Live Where You Play in Discovery Bay” and to report back to the full Board for a decision on whether to proceed. Legal has provided an explanation of the process as follows:

The “Live Where You Play in Discovery Bay” slogan has a possible history and may have been used by Discovery Bay developers. Since trademark rights are “first in time of usage,” then it is possible a developer that has used the slogan, and continues to use it in commerce, could object to our application with the USPTO. Other than that, other thoughts are of the ‘typical’ type:

- 1. We need to determine the type of use. This is a promotional/advertising concept for the CSD, but we would need to research the exact type and select from the USPTO Trademark ID Manual.*
- 2. We would need to do a comprehensive trademark clearance search using our TradeMarkNow subscription. The cost charged by our firm for that search is \$300.*
- 3. We would need to determine if the slogan is currently being used by Discovery Bay and obtain specimens of that use going back as far in time as possible. Photographs of newspaper ads, pamphlets, website promotions, billboards and the like need to be available.*
- 4. The application process can be lengthy, but not necessarily expensive. If unopposed the time-line from application filing to issuance of the certificate of registration is about 18 months. Most of that time consists of the USPTO reviewing and acting on information we have provided in the application itself.*

Previous Relevant Board Actions for This Item

Attachments

None.

AGENDA ITEM: G-1



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

October 3, 2018

Prepared By: Michael R. Davies, General Manager
Submitted By: Michael R. Davies, General Manager

MRD

Agenda Title:

Discussion and Possible Action Regarding the Cancellation of Regular Board Meeting on November 21, 2018.

Recommended Action

Approve the cancellation the Regular Board Meeting of November 21, 2018.

Executive Summary

This year the 2nd Board meeting in November falls on the evening before Thanksgiving. The recommendation from Staff is to CANCEL the Regular Board Meeting of Wednesday, November 21, 2018.

The next Regular Board Meeting would take place on Wednesday, December 5, 2018.

Previous Relevant Board Actions for This Item

Attachments

None.

AGENDA ITEM: G-2

Diablo Water District
PO Box 127
Oakley, CA 94561



TownOfDiscoveryBay CSD
Received
SEP 20 2018

Discovery Bay Comm. Services Dist. GSA
Mike Davies
1800 Willow Lake Road
Discovery Bay, CA 94505



Thanks to the support of at least 75% of the local agencies and water systems in Contra Costa and San Joaquin Counties, we want to inform you that the request to subdivide the Tracy Subbasin along the Contra Costa and San Joaquin County line was submitted to the California Department of Water Resources.

- For information about the basin boundary modification request, and to provide comments on the request, please visit:
<https://sgma.water.ca.gov/basinmod/modrequest/comments/229>
The last date and time for comments is 10/11/2018, 11:59:59PM.
- We will be providing periodic updates on the development of a groundwater sustainability plan. In the meantime, you may obtain more information about this process by visiting <https://www.eccc-irwm.org/sgma.html> or contact your Groundwater Sustainability Agency (listed on the website).
- If you know of someone else that should be on our mailing list please have them sign up at: groundwaterinfo@dcd.cccounty.us

Byron Municipal Advisory Council

Father Ron Schmit, Chair

Office of Supervisor Diane Burgis
Contact: Lea Castleberry
3361 Walnut Blvd., Suite 140
Brentwood, CA 94513

Respectfully submitted by:
Deputy Chief of Staff, Lea Castleberry

*The Byron Municipal Advisory Committee serves as an advisory body to the
Contra Costa County Board of Supervisors and the County Planning Agency.*

Draft Record of Actions

6:00 p.m.

August 28, 2018

MEMBERS PRESENT: Chair Schmit, Vice Chair Thuman (late), Councilmember Larsen, Councilmember Lopez and Councilmember Nisen

MEMBERS ABSENT:

PRESENTATION OF COLORS: Led by Chair Schmit

APPROVAL OF AGENDA: Motion to approve the Agenda as presented made by Councilmember Nisen. Second by Councilmember Lopez. Motion carried 5-0. AYES: Larsen, Lopez, Schmit, Thuman and Nisen.

PUBLIC COMMENTS: None

AGENCY REPORTS:

- a. **East Contra Costa Fire Protection District:** No Report
- b. **Office of the Sheriff:** Tony Fontenot, Crime Prevention Specialist provided the activity report for the month of July.
- c. **California Highway Patrol:** Officer Donnie Thomas provided the activity report for the month of July.
- d. **Office of Supervisor Diane Burgis:** Introduction of new Byron MAC Councilmember Steve Larsen; Public Works will be replacing the roadway delineators on Vasco Road this Fall; Byron Park Grand Opening is Thursday, November 1st at 6:30pm; Bixler and Byer Road was repaved and striping will take place August 29th.

CONSENT ITEMS:

- a. **Approval of Record of Actions for July 24, 2018:** Motion to the Record of Actions as presented made by Chair Father Ron. Second made by Vice Chair Thuman. Motion carried: 5-0. AYES: Larsen, Lopez, Schmit, Thuman and Nisen.

PRESENTATIONS:

- a. None.

ITEMS FOR DISCUSSION AND/OR ACTION:

- a. **Agency Comment Request GP18-0005/RZ18-3243/DP18-3030 – St. Anne’s Village Development Plan:** Ray Neubauer, Chair of St. Anne’s Village, Inc. and Lance Crannell from SDG Architects provided an overview of St. Anne’s Village Development Plan. 154 Apartments, 14 Assisted Care Units, Restaurant, Cafe, Mail Center, Salon, Retail Spaces, Chapel (non-denominational), Resource Center and Library. St. Anne’s Village, Inc. hopes to have Phase 1 complete within the 3rd or 4th quarter of 2019. Motion to approve St. Anne Village General Plan Amendment to Change the General Plan Land Use Designation from SM, Single-Family Residential-Medium Density to MM, Mixed Use. St. Anne’s Village, Inc. is to work with Lea Castleberry from Supervisor Diane Burgis’ office to provide public outreach and feedback to the County Department of Conservation and Development made by Councilmember Lopez. Second made by Councilmember Mike Nisen. Motion carried 4-0-1. AYES: Larsen, Lopez, Thuman and Nisen. ABSTAIN: Schmit

CORRESPONDENCE/ANNOUNCEMENTS:

- a. R-08/01/18 Contra Costa County Zoning Administrator Agenda for August 6, 2018
- b. R-07/26/18 Contra Costa County Planning Commission Cancellation Notice for August 8, 2018
- c. R-08/15/18 Contra Costa County Zoning Administrator Agenda for August 20, 2018
- d. R-08/13/18 Contra Costa County Planning Commission Cancellation Notice for August 22, 2018
- e. R-08/23/18 Contra Costa County Zoning Administrator Agenda for September 5, 2018

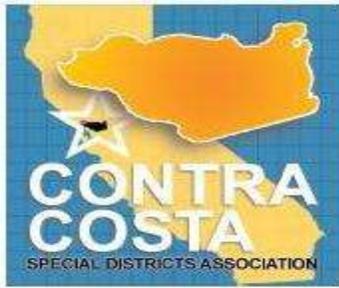
This meeting record is provided pursuant to Better Government Ordinance 95-6, Article 25-2.205(d) of the Contra Costa County Ordinance Code.

FUTURE AGENDA ITEMS

- a. Masterplan for Downtown Improvement Projects
- b. ECCFPD Strategic Plan Update

ADJOURNMENT

There being no further business before the Byron Municipal Advisory Council, Chair Schmit adjourned the meeting at 7:36pm. The next scheduled Byron Municipal Council meeting will be held Tuesday, September 25, 2018 at 6:00p.m. located at St. Anne's Church – 2800 Camino Diablo, Room 1A in Byron.



Quarterly Meeting Minutes

7.16.2018	Meeting Time: 10:00 a.m.	Central Contra Costa Sanitary District Multi-Purpose Room 5019 Imhoff Place, Martinez, CA 94553
Meeting called by	Chair Stan Caldwell called meeting to order at 10:05 a.m.	
Minutes	Suzette Crayton Executive Assistant	
Attendees	Twenty-Nine (29) Attendees (Sign-In Sheet Attached)	

Welcome and Introductions

Welcome and introductions took place.

Approval of April 2018 Meeting Minutes

The minutes were approved.

Old/New Business

Stan Caldwell announced that the Central San Multi-Purpose Room will be closed for renovation for the January, April, and July 2019 meetings. He also stated that he reached out to the historical society on an Essay Writing Contest. In regards to the Treasurer Oversight Committee, Russell Watts spoke about the seat that is open for the alternate. Nominations were called for a CCSDA Member to be an alternate on the committee and Stan nominated Bob Leete, and nomination passed by vote. Stan showed the potential CCSDA website that the Executive Board looked into and stated that it is free of charge. He also said that he would like to activate it and a motion was put to vote. Motion passed to fully activate the website. The link to the website is www.contracostasda.specialdistrict.org, and it will be sent out via email to everyone. Bob then spoke about the Audit Report. He made a motion to accept the report and it was passed by vote.

Guest Speaker: Senator Steve Glazer (Senate District 7) – Legislation Update

Susan Morgan introduced Senator Glazer. He handed out his card that included his governing principles. He spoke about pension reform efforts. He said most Special Districts are about 77% funded for CALPERS. Questions were then asked and answered.

Guest Program: CSDA Presentations

Colleen Haley presented information on the Special District Leadership Foundation. She also presented about the Take Action Newsletter.

California Special District Association Activities, Update, & Presentations: CSDA, “Districts Make the Difference Campaign”

Colleen provided information on the “District Makes a Difference Campaign” where they are holding a video contest. She asked about involvement from CCSDA and it was determined that two volunteers would assist from CCSDA.

Legislative Committee Report: Lisa Baldinger, East Bay Regional Parks District

Lisa Bollinger highlighted a couple of key legislation bills.

LAFCO Representative Report: Mike McGill, Contra Costa LAFCo Commissioner

Mike McGill announced that MSRs are underway for nineteen cities. He also stated that there are three possible dissolutions: Rollingwood, Reclamation District 21, and Bixler Tract. Los Medanos Heath Care District is going through the dissolution process. Discovery Bay Services District took this opportunity to thank Lou Ann for her assistance. Mike announced that the New At Large Member for LAFCO is Chuck Lewis.

Other Local Government Official Updates

None

Meeting was adjourned at 12:00 p.m. and next meeting is October 15, 2018.